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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,803	08/04/2000	Theodore Rappaport	WV00036	2515

22917 7590 06/05/2006

MOTOROLA, INC.  
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SCHAUMBURG, IL 60196

EXAMINER

PHAN, THAI Q

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/632,803

Applicant(s)

RAPPAPORT ET AL.

Examiner

Thai Phan

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-77 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 33-77 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This office action is in response to applicants' amendment filed on 03/02/2006. Claims 33-77 are pending in the action.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33-77 are rejected under 35 U.S.C. 102(b) as being anticipated by Labedz et al, US patent no. 5,608,854.

As per claim 33, Labedz anticipates a method and system for analyzing and simulating a communication system with feature limitations very identical to the claimed invention. According to Labedz, the communication performance display system and method include means and steps

Modeling a three dimensional environment as a model database (cols. 3-4),

A display means for displaying the model and model characteristics,

Modeling a wireless communication system in the three dimensional including communication components such as base stations, antennas, etc,

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signal propagation, direction of arrival, rf receive power, noise interference, and others characteristics of the wireless system (col. 3, lines 7-48),

Generating a computer simulation of the performance characteristic for the wireless communication system in the three dimensional environment,

Displaying the performance simulation overlaid or superimposed on the three dimensional environment as claimed (col. 3, line 49 to col. 4, line 35, col. 5, lines 7-67, for example).

As per claims 34-39, Labedz anticipates a color display for a fluctuation region in the three dimensional environment. Labedz also anticipates a grid mesh superimposed or overlaid in the environment regions for the performance display (col. 5, lines 40-66), three dimensional environment data, signal strength, signal intensity, etc.

As per claim 40, Labedz anticipates steps of analyzing the network performance based on object or component attributes, operating conditions, environment such as buildings, terrains, etc.

As per claim 41-51, Labedz anticipates the claimed limitations for changing system parameters, system operations, performance characterization, and for different simulation environments as shown in the specification.

As per claim 52, Labedz anticipates a computer program system for analyzing and simulating a communication system with feature limitations very identical to the claimed invention. According to Labedz, the communication performance display program product includes means for performing steps

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Modeling a three dimensional environment as an information database  
(cols. 3-4),

Modeling a wireless communication system in the three dimensional  
including signal propagation, direction of arrival, rf receive power, noise  
interference, and others characteristics of the wireless system (col. 3, lines 7-48),

Generating a computer simulation of the performance characteristic for the  
wireless communication system in the three dimensional environment,

Displaying the performance simulation or rf signal characteristics on the  
three dimensional environment as claimed (col. 3, line 49 to col. 4, line 35, col. 5,  
lines 7-67, for example).

As per claims 53-77, due to the similarity of claims 53-77 to the rejected  
claims above, in addition, Labeledz anticipates the claimed features such as  
display of the communication system performance, three dimensional  
environment data, signal strength, signal intensity, direction of arrival,  
observation point, etc. for the three dimensional characterization, claims 53-77  
are also rejected under the same rationale as set forth.

### ***Response to Arguments***

Applicant's arguments with respect to claims 33-77 have been considered  
but are moot in view of the new ground(s) of rejection.

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 5,859,839, issued to Ahlenius et al, on Jan. 1999
2. US patent no. 5,953,669, issued to Stratis et al, on Sept. 1999
3. US patent no. 6,973,622, issued to Rappaport et al, on Dec. 2005

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thai Phan whose telephone number is 571-272-3783. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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3. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 29, 2006

  
Thai Phan  
Patent Examiner